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**GAMBLING COMMISSION
COMM & LEGAL DIVISION****STATE OF WASHINGTON
GAMBLING COMMISSION**

In the Matter of the Suspension of the
Licenses to Conduct Gambling Activities of:)

No. CR 2009-00539

Wizard's Restaurant LLC.,
15739 Ambaum Blvd SW
Burien, WA 98166,

SETTLEMENT ORDER

Licenseso.
_____)

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**GAMBLING COMMISSION
COMM & LEGAL DIVISION****I.**

This Settlement Order is entered into between the Washington State Gambling Commission and Wizard's Restaurant, LLC (Wizard's). The Gambling Commission is represented by H. Bruce Marvin, Assistant Attorney General, and Melinda Froud, Lead Staff Attorney. The licensee is represented by Paul Johns, Owner.

II.

The Washington State Gambling Commission issued Wizards Restaurant LLC., organization number 00-17492, the following licenses:

Number 67-00024, Authorizing Class "15" House-Banked Card Room Activity;
Number 05-09561, Authorizing Class "J" Punchboard/Pull-Tab Activity; and
Number 53-20094, Authorizing Class "A" (premises only) Amusement Game Activity.

The licenses expire on September 30, 2009, and were issued subject to the licensee's compliance with state gambling laws and regulations.

III.

The Director issued a Notice of Administrative Charges and Opportunity for an Adjudicative Proceeding to the licensee on April 27, 2009. On May 6, 2009, Commission staff received the licensee's request for a hearing.

IV.

The following is a summary of the facts alleged, and the violations charged in the Notice of Administrative Charges:

1) On March 27, 2009, the licensee allowed a person under the age of eighteen (a minor) to gamble in its card room, violating WAC 230-06-010.

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2) On March 27, 2009, the licensee failed to ensure that employees follow its system of internal controls when a security guard on duty gave a person under the age of eighteen a wrist band to wear that indicated the minor was at least 18 years old,¹ violating WAC 230-15-425(1)(f).

3) The licensee has the following administrative history of allowing minors to gamble:

- In June 2008, the licensee received a Statement of Charges for allowing a minor to gamble. In August 2008, the licensee agreed to a five (5) day suspension, with four (4) days deferred for one year and one (1) day vacated by a fine and costs.
- On July 13, 2007, the licensee received a Notice of Violation and Settlement (NOVAS²) for allowing a minor to gamble.

4) This is the third time in three years that the licensee has allowed a person under the age of eighteen to participate in gambling activities.

5) Therefore, grounds exist to suspend Wizard's Restaurant's licenses under RCW 9.46.075(1) and WAC 230-03-085(1) and (3).

6) It is also a violation of the August 2008 Settlement Order, and constitutes grounds to impose the four-day deferred suspension pursuant to that Settlement Order.

V.

The licensee acknowledges that it has read the Notice of Administrative Charges, and understands the facts contained in it. The licensee has waived its right to a hearing, based on the terms and conditions of this Settlement Order.

The licensee submitted mitigating circumstances. Wizard's Restaurant, LLC. added to its internal controls the following methods to prevent minors from gambling at Wizard's Restaurant:

- All patrons of Wizards must be at least 21 years old.
- All security personnel have completed the State Liquor Control Board's PowerPoint presentation on how to properly check identification and have signed an agreement that they understand their responsibilities in this area.

The licensee agrees to the following:

1) The licensee agrees that Wizard's licenses are hereby suspended for a period of seven (7) days, provided that:

- a) Five (5) days of the suspension shall not be currently served, but shall be deferred for a period of one year from the date of entry of this Settlement Order, subject to the following: The licensee agrees not to violate any of Washington's gambling statutes or regulations during the one (1) year term. If the licensee violates these statutes or regulations and if the

¹ The licensee's internal controls state that a person under 21 years of age but at least 18 years old are fitted with a bracelet to identify them of legal age to gamble.

² The NOVAS identifies the violation and gives the recipient the opportunity to pay a fine to settle the matter.

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violation is the type that warrants the filing of administrative or criminal charges, then the Director may impose the five-day suspension of the current gambling license(s) and any subsequently acquired gambling licenses.

b) The parties agree that the Director of the Washington State Gambling Commission, pursuant to this agreement, has discretion to determine whether the licensee has violated any term of this agreement. In the event the Director determines that a violation of this section has occurred, he may suspend the license(s) issued to the licensee, and any subsequently acquired licenses, for up to five days, by mailing or delivering a Notice of Order of Administrative Charges to the licensee. This suspension shall be in addition to any consequences of the new violation. The licensee shall be afforded the opportunity to have an Adjudicative Proceeding, which includes a hearing on the alleged violations.

c) Pursuant to RCW 9.46.077, the licensee has agreed to serve the remaining two (2) days of this suspension. Additionally, the licensee will serve two (2) days of the previously deferred four-day suspension from the Settlement Order dated August 2008. The total suspension period will be for four (4) days.

d) On or about June 9, 2009, Wizards stopped operating gambling activity. Therefore, Wizards Restaurant LLC., organization number 00-17492, shall not serve its four (4) day suspension until it opens for gambling activity under its existing or any subsequently acquired license(s). At such time, the Director will issue a suspension letter to the licensee with the dates of the four (4) day suspension period.

e) The signed order must be received by Commission staff on or before Friday, July 10, 2009. The order must be mailed to Commission Headquarters at the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
P.O. Box 42400
Olympia, WA 98504-2400

or delivered (in person or via private courier) to the following address:

Washington State Gambling Commission
Attention: Communications and Legal Division
4565 7th Avenue SE; Fourth Floor
Lacey, WA 98503

DATED this 23rd day of July, 2009.

Administrative Law Judge

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APPROVED FOR ENTRY:

APPROVED AS TO FORM:

By the signature below, the licensee
acknowledges reading this Settlement Order,
and understands the terms and conditions
contained in it.

Paul W. Johns 7/8/09
Paul Johns, LLC Manager
Wizard's Restaurant, LLC.

(DATE)

H. Bruce Marvin
H. Bruce Marvin, WSBA #25152
Assistant Attorney General,
Representing the Washington State
Gambling Commission

Melinda Froud
Melinda Froud, WSBA #26792
Lead Staff Attorney,
Washington State Gambling Commission